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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 SHARON L. ELLIOT, as the personal  
11 representative of the Estate of  
GEORGE T. ELLIOT, deceased,

12 Plaintiff,

13 v.

14 BNSF RAILWAY COMPANY, f/k/a  
15 Burlington Northern and Santa Fe  
Railway Company,

16 Defendant.  
17

CASE NO. C19-563 MJP

ORDER ON MOTION TO COMPEL

18 This matter comes before the Court on Defendant BNSF Railway's Motion to Compel.  
19 (Dkt. No. 13.) Having reviewed the motion, the response (Dkt. No. 15), the reply (Dkt. No. 17),  
20 and all related papers, the Court DENIES the motion on this record and ORDERS the parties to  
21 meet and confer on these issues. Rule 37(a)(1) requires every party to meet and confer prior to  
22 filing a discovery motion, or at least make every attempt to do so. The rule defines meet and  
23 confer as a face-to-face or telephonic meeting. Here, counsel for Defendant sent an email and  
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1 left a voicemail for Plaintiff's counsel but received no response to either. (Dkt. No. 13 at 1-2.) It  
2 appears to the Court in this case that the parties have failed to satisfy the meet and confer  
3 requirement, and the Court does not intend to proceed further until they have done so. The Court  
4 therefore ORDERS Plaintiff to meet and confer with Defendant within seven days of this order  
5 at a date and time named by the Defendant. If after the conference there are still issues in  
6 dispute, the Defendant may notify the Court of the remaining issues, which will be promptly  
7 ruled on by the Court.

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9 The clerk is ordered to provide copies of this order to all counsel.

10 Dated September 10, 2019.

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13 Marsha J. Pechman  
14 United States District Judge  
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